

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRANCIS HANNON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 06-10700-NMG
)	
JEFFREY BEARD, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

GORTON, J.

By Order dated November 9, 2012, this multi-plaintiff action was reopened and plaintiffs' amended complaint was screened pursuant to 28 U.S.C. § 1915A. See Docket No. 277. Among other things, the Court's November 9th Order dismissed the claims against eleven defendants.

Now before the Court is the motion of Corrections Corporation of America ("CCA") for clarification. See Docket No. 292. The Court's November 9th Order dismissed the claims against CCA's subsidiary but not the claims against CCA. CCA seeks clarification. Because the alleged actions or inactions of CCA do not fall under the "color of state law" within the meaning of Section 1983, and for the reasons set forth in State Action section of the November 9th Order, the claims against CCA in the amended complaint are dismissed. See No. 277, p. 18.

A review of the Court's docket for this action reveals that copies of the November 9, 2012 Memorandum and Order and/or copies

of subsequent orders have been returned to the Court as undeliverable as to thirteen (13) of the named plaintiffs because these thirteen (13) plaintiffs were either released or moved. See Docket Nos. 280-284, 290, 293-297. Apparently plaintiff Robert G. LeBlanc was mistakenly entered on the docket as Roger LeBlanc. The Clerk will be directed to correct his name on the docket.

Plaintiffs Mark Mylett, Shane Catanzaro, Edurardo Oliveras, George Burns, Allan Phillips, Robert Beauparlant, Christopher Demarco, Robert John Dajda, Jose Alves, Johnny S. Rivera, J. Eric Palo, David Morgan and Juan Alicea have failed to inform the Court of their new addresses as required under this Court's local rules. See District of Massachusetts Local Rule 83.5.2(e). Local Rule 83.5.2(e) requires a party appearing pro se to notify the clerk of any change of address and provides that any party appearing pro se that has not filed an appearance or provided a current address "shall not be entitled to notice."

Under Federal Rule of Civil Procedure 41(b), a court may dismiss a claim "for failure of the plaintiff to prosecute or to comply with these rules or any order of the court." See Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962). The fact that Mylett, Catanzaro, Oliveras, Burns, Phillips, Beauparlant, DeMarco, Dajda, Alves, Rivera, Palo, Morgan and Alicea have not kept the Court advised of their current addresses suggests that

they may have lost interest in pursuing the claims asserted in this action. Thus, the claims of these thirteen (13) plaintiffs will be dismissed for want of prosecution pursuant to Rule 41(b).

ORDER

Based upon the foregoing, it is hereby ORDERED that:

- (1) The claims against Corrections Corporation of America are dismissed. The Clerk shall terminate defendant Corrections Corporation of America as a party to this action.
- (2) The Clerk shall correct the name of the plaintiff Robert G. LeBlanc on the docket previously entered incorrectly as "Roger LeBlanc." The Clerk shall mail a copy of this Memorandum and Order along with a copy of the Court's November 9, 2012 Order to Robert G. LeBlanc at his address on the docket.
- (3) The claims of plaintiffs Mark Mylett, Shane Catanzaro, Edurardo Oliveras, George Burns, Allan Phillips, Robert Beauparlant, Christopher DeMarco, Robert John Dajda, Jose Alves, Johnny S. Rivera, J. Eric Palo, David Morgan, and Juan Alicea are dismissed pursuant to Fed. R. Civ. P. 41(b). The Clerk shall terminate these thirteen plaintiffs as parties to this action.

SO ORDERED.

January 18, 2013
DATE

/s Nathaniel M. Gorton
NATHANIEL M. GORTON
UNITED STATES DISTRICT JUDGE